

## REMARKS

Responsive to the first Office action, applicant respectfully requests favorable reconsideration of the prior-art rejections, and issuance of a Notice of Allowance. In the Office action, the Examiner rejected claims 1-4 and 8 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the combined teachings of U.S. Patent No. 5,946,665 to Suzuki et al. and U.S. Patent No. 5,995,626 to Nishioka et al. The Examiner also rejected claims 5-7 under § 103(a) as being unpatentable over the combination of Suzuki et al. and Nishioka et al. and U.S. Patent No. 5,983,199 to Kaneko.

Applicant respectfully traverses each of the Examiner's rejections below. Based upon the remarks which follow, applicant believes it has shown the Examiner why the original claims patentably distinguish over the applied prior-art.

Suzuki et al. discloses a search server system in an on-line shopping system that uses a communications network to provide shopping information for a customer. Suzuki et al. is focused on providing search capability to a retail store customer, allowing that customer to search for desired goods, and allowing that customer to buy goods on-line. Nowhere does Suzuki et al. disclose or suggest, as claim 1 recites, "establishing a participating group of purchasers of such products and/or services and qualifying these purchasers" or the step of "creating for each purchaser, and based upon the above-recited qualifying activities, a personal package of pre-agreed upon, developed and qualified commercial relationships in the forms of data specially associating that purchaser with selected ones of such vendors".

In contrast to the on-line retail shopping system that is the focus of Suzuki et al., the invention concerns, as claim 1 recites, a “non-third party, purchaser/vendor exclusive commercial transaction method.”

The Examiner recognizes at page 3 of the first Office action that Suzuki et al. also fails to show or suggest a “personal network-access key” as recited in the final step of claim 1. The Examiner contends that Nishioka et al. describes the use of cryptographic keys in an electronic shop in the system.

Nishioka et al., like Suzuki et al., is focused on a typical retail purchase transaction, and it describes an electronic shopping method that includes the use of a key K by a purchaser to purchase products. Nishioka et al. focuses on an electronic retail shopping transaction in which a credit card company can authenticate the legality of a user on the basis of information sent from a retail store.

In contrast to the focus of Nishioka et al., applicant’s invention as recited in claim 1, recites a “non-third-party, purchaser/vendor exclusive commercial transaction method”. The credit card company involvement in Nishioka et al. is exactly the third-party involvement that is absent from the method recited in claim 1. The final step of claim 1 recites “furnishing each purchaser with a personal network-access key which contains information fully allowing that purchaser, through connection with the network, to utilize the mentioned package of relationships associated with that purchaser and the selected vendors.” Nowhere in claim 1 do the steps require involvement by a third-party, such as a credit card company, to authenticate the legality of the purchaser, or to authorize the transaction.

The Examiner rejected claims 5-7 by making substantially the same arguments as he made for claims 1-4. For reasons described above, Suzuki et al. and Nishioka et al. do not show or suggest the network of claim 5 or the non-third-party, purchaser/vendor specific, commercial transaction system of claim 7. For example, claim 7 recites that the system includes a key access tool that allows "connection by a purchaser through the associated key access tool to the network establishing a **direct commercial, transactional link between that purchaser and each vendor associated with the specific purchaser through the pre-agreed-upon protocols...without there occurring any associated, participating, branching outside to include any third-party transaction activity.** This same requirement is made in the final step of the method recited in claim 5.

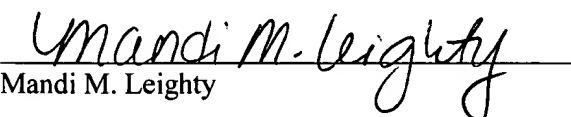
Accordingly, for reasons described above, applicant respectfully requests favorable reconsideration, withdrawal of the §103(a) rejections of pending claims 1-8, and issuance of a Notice of Allowance.

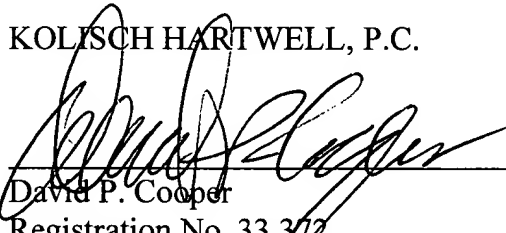
Respectfully submitted,

KOLISCH HARTWELL, P.C.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP: FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 14, 2004.

  
Mandi M. Leighty

  
David P. Cooper  
Registration No. 33,372  
PTO Customer No. 23581  
Of Attorneys for Applicant/Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679